**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Tribal Welfare Department – Sri B.Narsimhulu, the then ATWO Tirupathi, Chittoor District (now retired) – Sanction of Provisional Pension @ 75% of normal pension admissible as per Rule 52(i)(a) of the Andhra Pradesh Revised Pension Rules, 1980 pending finalization of the disciplinary case – W.P.2855/2021 in IA 1 order dt.03.03.2022 by Hon'ble High court of AP. Orders - Issued.

SOCIAL WELFARE (TW.SER.II) DEPARTMENT

G.O.RT.No.83 Dated:29.03.2022

Read the following:-

1. From the DTW, Vijayawada e-file bearing No.1003901, dt.26.08.2021.
2. Govt.G.O.Rt.Nos.318 & 319 SW(TW.Ser.II) Dept., Dt.28.09.2021.
3. From the DTW, Vijayawada, Lr.No.SOWO3-23021(34)/5/2020-ACC SEC-COTW, Dt:22.12.2021.
4. Writ Petition 2855/2021 in IA 1 order dt. 03.03.2022 by Hon'ble High court of AP.

&&&

**ORDER**:

In the reference 1st read above, the DTW, Vijayawada, stated that, Sri B.Narsimhulu was appointed first as SGT(Teacher), Goothyala by the DSC, Anathapuramu and he was worked as SGT for 9 years( from 21.07.1982 FN to 25.08.1991 AN). Further, he got Warden Gr-II job in Chittoor district and at the time of appointment, he had given declaration that he was not employed in any capacity in Government, semi Government (ZPP & MPP & Municipality Public undertaking / Private section and if it is found to be false at later date, he will be punished as per rules. But, after 17 years joining the Tribal Welfare Department, re-fixation of his pay was made duly protecting the pay drawn in the cadre of SGT(about nine increments) was done in the year 2008 vide Procgs.Rc.No.C/407/2008 dt.27.05.2008 of the then DTWO, Ananthapuramu which is found irregular, but he drawn arrears from STO, Penukonda vide TID 1390 dt.13.06.2008 for Rs.4,53,577. The record reveals that the re-fixation of the pay was done without obtaining any LPC form District Development Office, Zilla Parishad, Ananthapuramu to ascertain the last pay drawn by the individual.

2. Further, AG Audit has also felt that giving pay protection that too without obtaining approval of the HoD is highly irregular. Due to in correct pay protection the individual has unduly benefited by nine increments. However the DTW, Vijayawada after issuing notice and after considering his explanation therein ordered to recover Rs.23,51,624/- from him and since the individual was the DDO by that he did not give effect to the recovery inspite of orders issued by DTWO, Chittoor in Procgs.Rc .No.T 2 /ATWO /TPT /2019 dt.24.10.2019. Further the individual challenged the said recovery by filing WP 559/2020 which is disposed off on 17.2.2020 against which Writ Appeal 652/2021 is filed which is dismissed on 1.11.2021 and finally the Government filed SLP against the orders in Writ Appeal vide Dairy No. 9038 of 2022. Meanwhile, Sri B.Narsimhulu filed CC 957/2020 in which a counter affidavit is filed stating that recovery is not affected.

3. In the reference 2nd read above, the Government have initiated Departmental action against Sri B.Narsimhulu and the charges among others includes that Sri B.Narsimhulu having given undertaking at the time of joining into service illegally got pay protection by addition previous service in the cadre of SGT in another establishment and also drawn illegally nine

additional increments arrears assailing on such pay protection to a tune of Rs.4,53,577/-. However, Sri B.Narsimhulu challenged the said disciplinary proceedings in WP 27384 of 2021 wherein by order dt.24.11.2021 the Hon'ble High Court of AP ordered interim suspension. Further, said Sri.B.Narsimhulu also filed another Writ Petition 22855/2021 for seeking full pension, wherein the Hon'ble High Court of AP in IA 1 of 2022 by order dt.3.3.2022 ordered to sanction provisional pension to the individual.

4. In the reference 3rd read above, the DTW, Vijayawada has submitted that Sri B.Narsimhulu, working as ATWO, Tirupathi, Chittoor District has retired from Govt., service on attaining the age of Superannuation on 31.12.2019 (AN) and he has requested the Government to sanction provisional pension in respect of Sri B.Narsimhulu pending finalization of disciplinary case.

5. Government after careful examination of the proposal of the DTW, Vijayawada and in view of developments recorded consequent to initiation of disciplinary proceedings against the individual, hereby sanction provisional pension @75% of the normal pension admissible to Sri B.Narsimhulu, the then ATWO, Tirupathi, Chittoor District (now retired) under Rule 52 (i) (a) of the Andhra Pradesh Revised Pension Rules, 1980 pending finalization of the disciplinary case against him.

6. The Account General (A&E), Andhra Pradesh is requested to issue provisional pension payment order accordingly and is also informed that the full pension should be released to the individual only after the finalization of the disciplinary case pending against him.

7. Sri B.Narsimhulu, the then ATWO, Tirupathi, Chittoor District (now retired) is informed that the above orders are subject to final orders on the disciplinary case pending against him.

8. He is also informed that if the amount sanctioned is later found to be in excess to the amount to which he is entitled, the same will be recovered from him.

9. The DTW, Vijayawada shall take further action accordingly.

(BY ORDER AND THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTHILAL DANDE
SECRETARY TO GOVENMENT

To
Sri B.Narsimhulu, the then ATWO, Tirupathi, Chittoor District (now retired) (through the O/o DTW, Vijayawada),
The DTW, Vijayawada.
Copy to:
The GP to Social Welfare(Ser), High court of A.P
The Accountant General(A&E),Andhra Pradesh.
The Pay & Account, Andhra Pradesh, Vijayawada.
The P.S. to Hon'ble Deputy Chief Minister(TW).
The P.S. to Secretary to Government(TW).
SF/SCs

// FORWARDED ::BY ORDER//

SECTION OFFICER